

UNITED STATES DISTRICT COURT  
for the  
District of Arizona

Dkt  
9-28-17

United States of America	)	
v.	)	Case No. 17-433MJ
Javier Tecomulapa-Lotzin,	)	
a.k.a.: Javier Tecomulapa Lotzin,	)	
(A200 832 174)	)	
<u>Defendant</u>	)	

**CRIMINAL COMPLAINT**

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date of February 25, 2017, in the County of Maricopa, in the District of Arizona, the defendant violated Title 8, U.S.C. § 1326(a), an offense described as follows:

Javier Tecomulapa-Lotzin, an alien, was found in the United States of America at or near Phoenix, in the District of Arizona, after having been previously denied admission, excluded, deported, and removed from the United States at or near Nogales, Arizona, on or about August 24, 2010, and not having obtained the express consent of the Secretary of the Department of Homeland Security to reapply for admission thereto; in violation of Title 8, United States Code, Section 1326(a).

I further state that I am a Deportation Officer.

This criminal complaint is based on these facts:

**See Attached Statement of Probable Cause Incorporated by Reference Herein**

REVIEWED BY: AUSA Jacqueline Schesnol for AUSA Sheila A. Phillips

Continued on the attached sheet.



Complainant's signature

Marcus D. Leggett,  
Deportation Officer

Printed name and title

Sworn to before me and signed in my presence.

Date: September 29, 2017



Judge's signature

City and state: Phoenix, Arizona

Michelle H. Burns,  
United States Magistrate Judge

Printed name and title

**STATEMENT OF PROBABLE CAUSE**

I, Marcus D. Leggett, being duly sworn, hereby depose and state as follows:

1. Your affiant is a Deportation Officer with United States Immigration and Customs Enforcement (ICE). I have learned from direct participation in the investigation and from the reports and communications of other agents and officers the facts recited herein.
2. On February 25, 2017, Javier Tecomulapa-Lotzin was booked into the Maricopa County Jail (MCJ) by the Arizona Department of Public Safety on local charges. While in custody at the MCJ, Tecomulapa-Lotzin was encountered by ICE officer M. Suchorabski who determined him to be a citizen of Mexico, illegally present in the United States. On the same date, an immigration detainer was lodged with the MCJ. On September 28, 2017, Tecomulapa-Lotzin was released from the Arizona Department of Corrections and transported to the Phoenix ICE office for further investigation and processing. Tecomulapa-Lotzin was held in administrative custody until his criminal and immigration records could be obtained and his identity confirmed.
3. Immigration history checks revealed Javier Tecomulapa-Lotzin to be a citizen of Mexico and a previously deported alien. Tecomulapa-Lotzin was removed from the United States to Mexico through Nogales, Arizona, on or about August 24, 2010, pursuant to the reinstatement of an order of removal issued by an immigration official.

There is no record of Tecomulapa-Lotzin in any Department of Homeland Security database to suggest that he obtained permission from the Secretary of the Department of Homeland Security to return to the United States after his removal. Tecomulapa-Lotzin's immigration history was matched to him by electronic fingerprint comparison.

4. On September 28, 2017, Javier Tecomulapa-Lotzin was advised of his constitutional rights. Tecomulapa-Lotzin freely and willingly acknowledged his rights and declined to provide a statement under oath.
5. For these reasons, this affiant submits that there is probable cause to believe that on or about February 25, 2017, Javier Tecomulapa-Lotzin, an alien, was found in the United States of America at or near Phoenix, in the District of Arizona, after having been previously denied admission, excluded, deported, and removed from the United States

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at or near Nogales, Arizona, on or about August 24, 2010, and not having obtained the express consent of the Secretary of the Department of Homeland Security to reapply for admission thereto; in violation of Title 8, United States Code, Section 1326(a).



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Marcus D. Leggett,  
Deportation Officer,  
Immigration and Customs Enforcement

Sworn to and subscribed before me  
this 29<sup>th</sup> day of September, 2017.



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Michelle H. Burns,  
United States Magistrate Judge